

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

GEORGE WEGERS, et al.,

Defendants.

CASE NO. CR05-0231C

ORDER

This matter comes before the Court on

This matter comes before the Court on Defendant Christopher Horlock's motion for release from detention pending sentencing. (Dkt. No. 972.) Having carefully considered the papers submitted by the parties, as well as the transcript of Defendant's original detention hearing and previously entered detention orders, and finding an additional evidentiary hearing unnecessary, the Court will **DENY** Defendant's motion for the following reasons.

The Court has described in detail the factual and procedural background of Defendant Christopher Horlock in a prior order. (*See* Dkt. No. 564.) Several months after that order was affirmed by the Ninth Circuit, Defendant pled guilty to participating in a conspiracy to tamper with witnesses in violation of 18 U.S.C. §§ 1512(b)(3) and 1512(k). (Dkt. No. 937.) This offense carries a maximum penalty of ten-years' imprisonment, three-years' supervised release, and additional fines and penalties. The plea agreement recites the parties' agreement "that the appropriate sentence to be imposed by the

1 Court is imprisonment for time served in custody *as of the date of sentencing*, and a period of supervised
2 release for between two and three years.” (*Id.* ¶ 6 (emphasis added).) The Court has accepted
3 Defendant’s plea and has scheduled his sentencing for June 16, 2006.

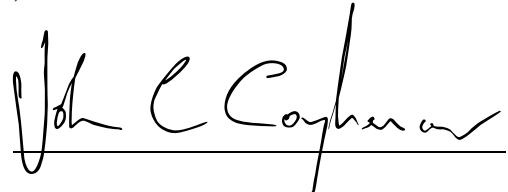
4 Following his conviction, it is Defendant’s burden to present clear and convincing evidence that
5 he is “not likely to flee or pose a danger to the safety of any other person or the community if released”
6 pending sentencing. 18 U.S.C. § 3143(a)(1); *see also United States v. Koon*, 6 F.3d 561, 562–63 (9th
7 Cir. 1993). Defendant correctly notes that the Court’s prior detention order did not find that he was a
8 flight risk, largely due to “Defendant’s apparent ties to family, community, and businesses in South
9 Dakota.” (Dkt. No. 564 at 5.) However, the Court did find that “no combination of conditions would
10 ensure the safety of the community were Defendant to be released,” based in part on the seriousness of
11 the charged offense. (*Id.*)

12 Defendant has pled guilty to a serious criminal conspiracy, and has presented no evidence
13 supporting his contention that “no grounds exist” for his continued detention. (Mot. 2.) Moreover, his
14 plea agreement expressly contemplates that the recommended sentence will encompass time served *up to*
15 *and including* the date of sentencing. The Court will not upset the parties’ bargain nor disregard its prior
16 orders by releasing Defendant eight weeks before his sentencing.

17 For these reasons, Defendant Horlock’s motion is hereby DENIED.

18 SO ORDERED this 26th day of April, 2006.

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John C. Coughenour

UNITED STATES DISTRICT JUDGE